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Counsel for Plaintiff United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-00-

UNITED STATES OF AMERICA,)
))
Plaintiff,) 2:14-cr-00103-GMN-VCF
)) 2:16-cr-00222-APG-NJK
vs.))
)) **JOINT MOTION TO CONSOLIDATE**
GILBERTO SALAZAR-GARCIA,))
))
Defendant.))
))

The United States, by Daniel G. Bogden, United States Attorney, and Kathryn C. Newman, Assistant United States Attorney, and Brian Pugh, counsel for defendant Gilberto Salazar-Garcia, jointly move the Court to consolidate the above-captioned cases under a single case number, as set forth below:

1. On or about October 10, 2014, the defendant was judged guilty and sentenced in the United States District Court for the District of Nevada. *United States v. Salazar-Garcia*, 2:14-cr-103-GMN-VCF, ECF No. 146. The defendant was charged with Deported Alien Found Unlawfully in the United States in violation of Title 8, United States Code, Section 1326. *Id.* The defendant was sentenced to a period of time served and three years of supervised release. One of the conditions of supervised release was that if he was deported, he was not to reenter the United States without legal permission.

2. On or about July 26, 2016, the defendant was arrested on a warrant issued by this Court

following his indictment by the grand jury on charges of Deported Alien Found Unlawfully in the United States, 8 U.S.C. § 1326. *United States v. Salazar-Garcia*, 2:16-cr-222-APG-NKJ, ECF 3, 7. Based on his presence in the United States and the absence of any evidence of legal permission to reenter, the U.S. Office of Probation filed a petition for revocation of his supervised release. A revocation hearing for the allegations of violation of supervised release is currently set for December 22, 2016, at 9:00 a.m..

3. The parties negotiated a plea agreement, which seeks to resolve both the new charge and the alleged violations of conditions of supervised release as part of a “global resolution.” The parties have submitted the plea agreement simultaneously with this joint motion.

4. Because the plea agreement includes a proposed resolution to both the new charge and the alleged violations of conditions of supervised release, and both arise out of the same conduct, the parties respectfully request that the Court enter an Order consolidating these two cases.

DATED this 29th day of September 2016.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Brian Pugh
BRIAN PUGH
Assistant Federal Public Defender
Counsel for Defendant Smith
2:16-cr-00050-RFB

/s/ Kathryn C. Newman
KATHRYN C. NEWMAN
Assistant United States Attorney

IT IS HEREBY ORDERED that 2:16-cr-222-APG-NJK shall be reassigned to Chief Judge Gloria M. Navarro for all further proceedings.

So Ordered:

UNITED STATES DISTRICT JUDGE

DATED: September 30, 2016

So Ordered:

UNITED STATES DISTRICT JUDGE

DATED: September 30, 2016